

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2018-0004

Approved by Planning and Zoning: February 23, 2018

Permission is hereby granted to: DVA-Eisenhower—2415, LLC

to use the premises located at: 2415 Eisenhower Avenue, Space 1C

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

2/23/18

Date

K. Moritz by me

Karl Moritz, Director

Department of Planning and Zoning

DATE: February 23, 2018

TO: Mary Christesen, Acting Division Chief Land Use Services
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-0004
Administrative Review for New Use
Site Use: Restaurant
Applicant: DVA Eisenhower – 2415 LLC
Location: 2415 Eisenhower Avenue, 1C
Zone: CDD #2

Request

Special Use Permit #2018-0004 is a request to operate a restaurant at 2415 Eisenhower Avenue, unit 1C. The hours of operation are proposed as 7 a.m. to 11 p.m., daily and the applicant proposes eight indoor seats. The business will sell donuts, sandwiches and a variety of beverages to customers. The applicant does not propose alcohol sales, delivery, no outdoor seating, or live entertainment. The restaurant will provide table service and carry-out service. The business plans to operate under the name Dunkin Donuts.

Parking

Parking for commercial uses at 2415 Eisenhower Avenue was reviewed and approved under DSUP#2013-0018. Therefore, the restaurant meets its parking requirements.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, staff sent an email notification to the Rosemont Citizens and Old Town Civic Associations. Staff has not received any comment on the request.

Staff Action

Staff supports the applicant's request for a restaurant at this location. A restaurant use at a ground floor unit is not uncommon among recently constructed office buildings. The proposed use would provide a quick-dining service for commuters coming and going to the Eisenhower Avenue Metro Station and workers in the National Science Foundation. Staff analyzed the request for potential impacts however, due to the business nature, small size, availability of trash cans, and proposed hood vent system impacts arising from this use are anticipated to be minimal. The applicant originally intended to apply for an opening hour of 5 a.m., however Condition #87 of the governing Development Special Use Permit for the site requires an applicant, desiring an opening hour earlier than 7 a.m., to file for a full hearing special use permit. As such, the applicant will file a special use permit to amend this administrative SUP for an opening hour of 5 a.m., daily.

Staff has included Condition #2 relating to hours of operation and Condition #9 which limits the seating capacity eight seats. Staff has included conditions to mitigate potential impacts, and ensure compatibility in this commercial neighborhood such as Conditions #12 through #15 requiring the applicant to encourage employees to take public transportation and provide information on nearby parking facilities. Staff has also included conditions (conditions #16-#21) for storm water management and storage.

Staff hereby approves this Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: February 23, 2018

Action: Approve



Mary Christesen, Acting Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0004

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation for the restaurant shall be 7 a.m. to 11 p.m., daily. Meals ordered before 11 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 12 a.m., midnight, daily. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No live entertainment shall be permitted at the restaurant. (P&Z)
5. No alcohol sales are permitted. (P&Z)
6. No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions. (P&Z)
7. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
8. No delivery of food to customers may operate from the restaurant. (P&Z)
9. The maximum number of indoor seats shall be eight. (P&Z)
10. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
12. The applicant shall require its employees who drive to use off-street parking. (T&ES)
13. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
14. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

15. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
16. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
17. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
18. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES)
19. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
20. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
21. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
22. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
23. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
24. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
25. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
25. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning

Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C – code requirement R – recommendation S – suggestion F – finding

Transportation & Environmental Services:

- F-1 Overall parking requirements for office and retail uses was approved under DSUP 2013-0018. (T&ES)
- R-1 The applicant **shall** require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business **shall** contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-5 Exterior power washing of the building **shall** not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it **shall** be kept under cover to prevent rainwater from falling on it. (T&ES)
- R-8 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers **shall** be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-9 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-10 The applicant shall **control** cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance

to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

- R-11 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-13 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-14 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

SUP #2018-0004
2415 Eisenhower Avenue, 1C

Police Department:

No comments received.


Fire:

No comments or concerns.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0004. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2415 Eisenhower Avenue, Unit 1C.

DVA Eisenhower - 2415, LLC

 AUTHORIZED MEMBER 3/20/18
Applicant - Signature Date

EVANGELOS MOUTOUDIS - AUTHORIZED MEMBER 3/20/18
Applicant - Printed Date